Updated December 2015

Introduction

In Alberta, laws such as the *Environmental Protection and Enhancement Act* and the *Water Act* protect the environment by regulating industrial activities. The Alberta Energy Regulator is responsible for energy projects, specifically upstream oil and gas, oilsands and coal projects, while Alberta Environment and Parks administers the environmental assessment process for all other types of industrial activity.

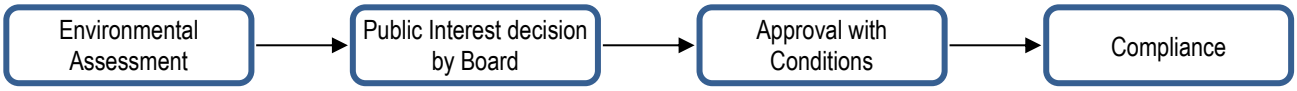
Environmental assessment is the first of four regulatory steps:

1. ***Environmental assessment*** – examines a project to determine what the environmental, social, economic and health implications may be;

2. ***Public interest decision*** – the applicable board[1] or Minister decides whether it is in the public interest to let the project go ahead;

3. ***Approval with conditions*** – regulators give formal approval to the project and set specific conditions for building and operating the project; and

4. ***Compliance*** – ensures the project is operating within the specified approval conditions.



Not all proposed projects go through this environmental assessment process. The Government of Canada, municipalities, corporations and lending institutions also undertake environmental assessment processes under their own laws and authority, for a variety of purposes.

When a proposed project is required to undergo both a provincial and federal environmental assessment, the two governments cooperate to minimize overlap. This process is set out in a bilateral agreement: *Canada – Alberta Agreement on Environmental Assessment Cooperation*.

The Purpose of Environmental Assessment

Alberta's environmental assessment process has three basic goals:

Gather information – the process ensures that enough information is provided by the proponent to inform the public and government agencies about the proponent's understanding of the consequences of their project;

Public involvement – the process provides an opportunity for people who may be affected by a proposed activity to express any concerns and provide advice to proponents and government agencies; and

Support sustainable development – the information provided during the process allows early consideration of the project's place in the overall plan for Alberta's environment and economy.

[1] Under current legislation the public interest decision could be made by the Alberta Utilities Commission, the Alberta Energy Regulator or the Natural Resources Conservation Board, depending on the project.

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The Stages of the Environmental Assessment Process

Is an Environmental Impact Assessment report required?

The environmental assessment process begins when the Environmental Assessment Director[2] is made aware of a new project. The Director determines if the project requires an Environmental Impact Assessment report to be prepared based on the *Environmental Assessment (Mandatory and Exempted Activities) Regulation*. The regulation lists specific activities which are either mandatory and will require an Environmental Impact Assessment report, or exempted and do not require one. All projects not on either list are called discretionary and the Director decides whether further consideration under the environmental assessment process is required.

To determine if environmental assessment is required for a project, the proponent submits a Project Summary Table and a map to the Director. In most cases, this information is sufficient to make the decision and the Director will provide the proponent with a letter stating their decision. However, there are provisions in the Act for the Director to decide that more information is needed. In this case, the Director can call for the preparation of a Screening Report. The Director then considers this additional information and any input from the public to decide if an Environmental Impact Assessment report is required. The Minister can also require that an Environmental Impact Assessment report be prepared, even if the activity appears on the exempted list.

Terms of Reference and Environmental Impact Assessment

If an Environmental Impact Assessment report is required, the proponent prepares proposed Terms of Reference[3] and a First Nations Consultation Plan[4]. The First Nations Consultation Plan must be approved by the Consultation Advisor before the process can move ahead. The plan for publishing the proposed Terms of Reference notice must be approved by the Director. The proposed Terms of Reference are then advertised by the proponent to allow the public to provide comments. The Director considers input received from the public and from other government agencies and issues the final Terms of Reference that sets the scope for the Environmental Impact Assessment report.

Environmental Impact Assessment reports typically include:

- a detailed description of the project;
- the location and environmental setting for the project;
- baseline environmental, social and culture information;
- the potential positive and negative environmental, health, social, economic and cultural effects of the proposed activity as well as an assessment of cumulative effects;
- plans to mitigate potential adverse effects and to respond to emergencies; and
- information on public and First Nations consultation.

More detailed information on the preparation of Environmental Impact Assessment reports is available on the Alberta Environmental Assessment website.

Technical Review

Once completed, the Environmental Impact Assessment report is submitted by the proponent to the Environmental Assessment Director for review. For most large energy or resource development projects, the Environmental Impact Assessment report forms part of the integrated application submitted to the applicable board.

The regulatory review of the Environmental Impact Assessment report is coordinated by either Alberta Environment and Parks or the Alberta Energy Regulator and involves a multi-disciplinary, integrated team of provincial experts. Depending upon the nature and location of the project, federal agencies may also participate in the evaluation of the

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[2] An employee appointed by Ministerial Order to make decisions under Part 2, Division 1, of the *Environmental Protection and Enhancement Act*.

[3] The proposed Terms of Reference are based on Standardized Terms of Reference found on the Alberta Environment and Parks or Alberta Energy Regulator websites.

[4] This is done with the assistance of the Aboriginal Consultation Office. See The Government of Alberta's Guidelines on Consultation with First Nations on Land and Natural Resource Management, July 28, 2014.

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Environmental Impact Assessment report. The purpose of the review is to identify any project-related uncertainties or risks and determine if the information provided by the proponent meets the requirements of the Terms of Reference. If the information provided is unclear or insufficient to meet these objectives, the Director may ask the proponent for additional information.

When the review team is satisfied that the Terms of Reference have been met, the Director is notified. The Director takes this information and makes a determination that the Environmental Impact Assessment report is complete and then formally refers the Environmental Impact Assessment report to the applicable Board or the Minister to become part of the public interest decision.

Public Interest Decision and Regulatory Approvals

Once a project has been through the environmental assessment process, it does not mean that project has been approved or that it can commence construction or operation. It has simply met the information requirements necessary to move onto the next phase of the regulatory process. Information about the next steps in the regulatory process may be obtained from websites for Alberta Environment and Parks, the Alberta Energy Regulator, Alberta Utilities Commission and Natural Resources Conservation Board.

Environmental Assessment Contacts

Further information about Alberta's environmental assessment process can be obtained from:

Environmental Assessment Team
Alberta Environment and Parks
2nd Floor, South Petroleum Tower
9815 108 Street,
Edmonton, Alberta T6B 2X3
Phone: 780-427-2700
Fax: 780-427-9102
Email: environmental.assessment@gov.ab.ca
Website: http:/aep.alberta.ca/ea

Environmental Assessment Team
Alberta Energy Regulator
Suite 1000, 250-5th Street
Calgary, Alberta T2P 0R4
Phone: 1-855-297-8311
Email: aerenvironmental.assessment@aer.ca
Website: http://www.aer.ca/

For information on the federal process, contact:

Canadian Environmental Assessment Agency
Prairie and Northern Regional Office
#1145, 9700 Jasper Ave
Canada Place
Edmonton, Alberta T5J 4C3
Phone: 780-495-2037
Fax: 780-495-2876
Website: http://www.ceaa.gc.ca

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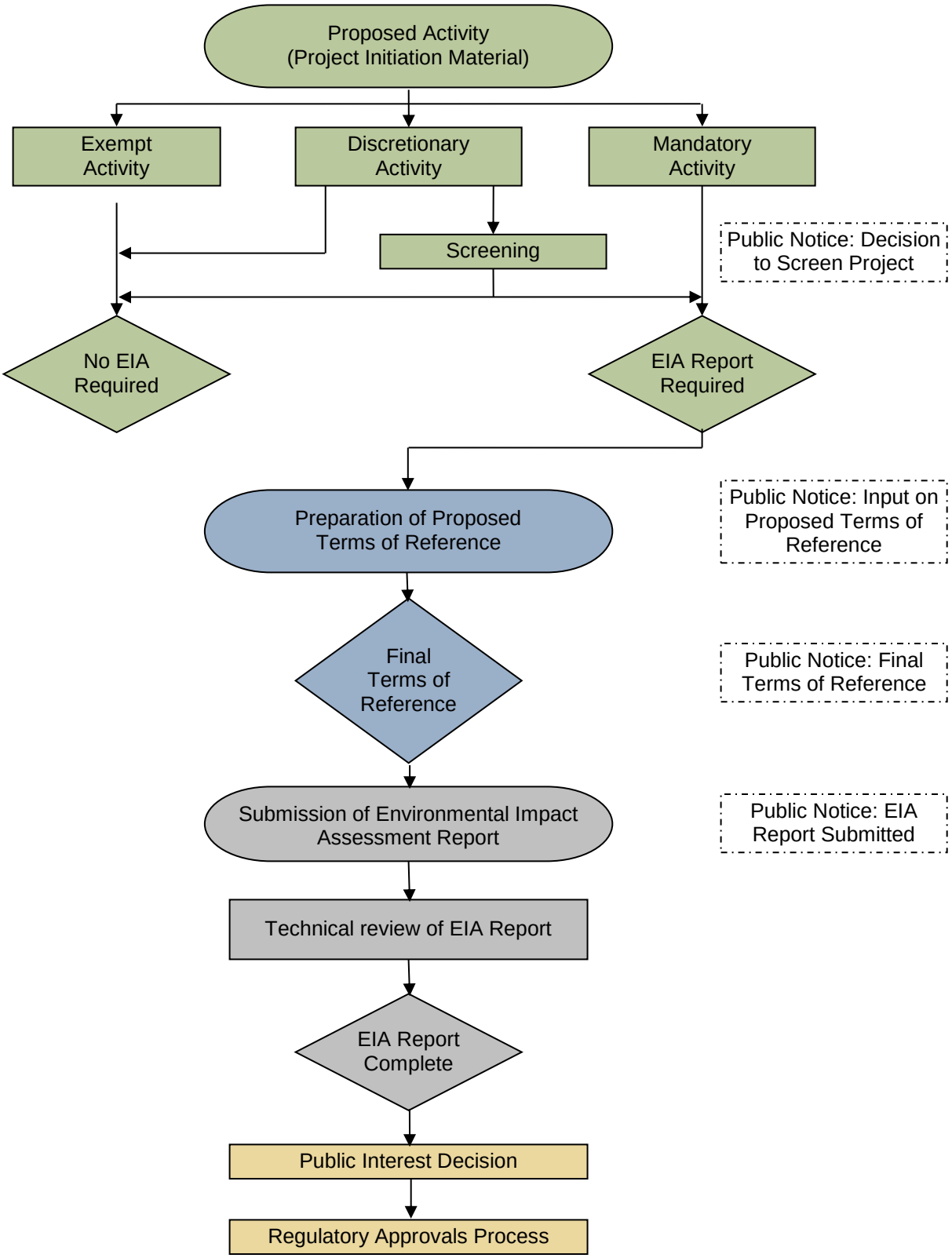
Alberta's Environmental Assessment Process



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